



Entered on Docket
February 05, 2007

Hon. Linda B. Riegle
United States Bankruptcy Judge

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**UNITED STATES BANKRUPTCY COURT
DISTRICT OF NEVADA**

In re:
USA COMMERCIAL MORTGAGE COMPANY,
Debtor.

In re:
USA CAPITAL REALTY ADVISORS, LLC,
Debtor.

In re:
USA CAPITAL DIVERSIFIED TRUST DEED
FUND, LLC,
Debtor.

In re:
USA CAPITAL FIRST TRUST DEED FUND, LLC,
Debtor.

In re:
USA SECURITIES, LLC,
Debtor.

Affects:

- ☐ All Debtors
- ☒ USA Commercial Mortgage Company
- ☐ USA Securities, LLC
- ☐ USA Capital Realty Advisors, LLC
- ☐ USA Capital Diversified Trust Deed Fund, LLC
- ☐ USA Capital First Trust Deed Fund, LLC

Case No. BK-S-06-10725 LBR
Case No. BK-S-06-10726 LBR
Case No. BK-S-06-10727 LBR
Case No. BK-S-06-10728 LBR
Case No. BK-S-06-10729 LBR

Chapter 11

**Jointly Administered Under
Case No. BK-S-06-10725 LBR**

**ORDER PRELIMINARILY
DENYING MOTION FOR RELIEF
FROM STAY BY DAYCO FUNDING
CORPORATION**

Date: January 17, 2007
Time: 9:30 a.m.

SCHWARTZER & MCPHERSON LAW FIRM
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The Motion for Relief From Stay regarding the property at 10325 Datura Road, Hesperia, California (the "Motion") filed by Dayco Funding Corporation ("Dayco") (Docket No. 2094) having come before this Court for hearing after notice, USA Commercial Mortgage Company (the "Debtor") appearing by and through its counsel, Lenard E. Schwartzer of the Schwartzer & McPherson Law Firm; Dayco appearing by and through its counsel, Andrew K. Alper, Esq. of Frandzel Robins Bloom & Csato, L.C.; and the Unsecured Creditors Committee appearing by and through its counsel, Susan Freeman, Esq. of Lewis and Roca, LLP; the Court having reviewed the briefs on file, having heard the arguments and representations of counsel and preliminarily finding that the Debtor is likely to prevail on the Motion for the reasons stated on the record, it is

ORDERED that the Motion be, and hereby is, preliminarily denied; and it is further

ORDERED that the Motion be continued for hearing on February 15, 2007 at 9:30 a.m.

Prepared by
RAY, QUINNEY & NEBEKER, P.C. and
SCHWARTZER & MCPHERSON LAW
FIRM

Approved/Disapproved
LEWIS AND ROCA, LLP

By: /s/ Lenard E. Schwartzer
 Lenard E. Schwartzer, Esq.
Attorneys for the Debtors and Debtors in Possession

By: /s/ Susan Freeman
 Susan Freeman, Esq.
Attorneys for Unsecured Creditors Committee

Approved/Disapproved
FRANDZEL ROBINS BLOOM & CSATO, L.C.

By: _____
 Andrew K. Alper, Esq.
Counsel for Dayco Funding Corporation

In accordance with LR 9021, counsel submitting this document certifies as follows (check one):

___ The court has waived the requirement of approval under LR 9021.

___ No parties appeared or filed written objections, and there is no trustee appointed in the case.

X I have delivered a copy of this proposed order to all counsel who appeared at the hearing, any unrepresented parties who appeared at the hearing, and any trustee appointed in this case, and each has approved or disapproved the order, or failed to respond, as indicated below [list each party and whether the party has approved, disapproved, or failed to respond to the document]:

Andrew Alper – failed to respond

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